

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

J & J Sports Productions, Inc.,

Case No.: 2:17-cv-00681-JAD-NJK

Plaintiff

V.

Reyna Hernandez Quintero,

Defendant

Order directing Supplemental Briefing on Motion for Default Judgment

J & J Sports Productions, Inc. alleges that it was granted the exclusive right to broadcast

10 *Toe to Toe: Saul Alvarez v. Alfredo Angulo Light Middleweight Championship Fight Program*

11 (the Program) in all 50 states excluding Puerto Rico. J & J contends that Reyna Hernandez

12 Quintero, the owner of a restaurant called La Tradicion, willfully intercepted and distributed the
13 Program without J & J's authorization, so it sues Quintero for violating 47 U.S.C. §§ 553, 605.

14 The Clerk of Court entered default against Quintero and J & J now seeks a default judgment on

15 its claim under 47 U.S.C. § 605 plus statutory damages of \$10,000 and an enhanced damage

16 award of \$30,000.¹ After reviewing J & J's motion and complaint, I am not satisfied that its

17|| claim is timely.

18 There is

¹⁹ analogous law of the forum state or analogous federal law.² Following this framework, courts in

²³ ¹ ECF Nos. 6, 7. J & J also argues that it is entitled to default judgment on its claim for conversion, but it doesn't allege a claim for conversion. *See generally*, ECF No. 1.

² See *DirecTV, Inc. v. Webb*, 545 F.3d 837, 847 (9th Cir. 2008).

1 the Ninth Circuit have imposed one-year³ and two-year⁴ limitation periods in similar cases
2 alleging violations of 47 U.S.C. § 605, while courts in other circuits have applied up to three-
3 year limitation periods.⁵ J & J alleges that Quintero violated 47 U.S.C. § 605 on March 8, 2014,
4 and it filed this lawsuit on March 7, 2017, one day shy of three years later. But it is unclear from
5 the record what limitations period applies to its claim.

6 Accordingly, IT IS HEREBY ORDERED that J & J must file a supplemental brief by
7 November 5, 2018, explaining why its claim is not time-barred.

8 Dated: October 16, 2018


9 U.S. District Judge Jennifer A. Dorsey

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22³ *Id.* at 847–48 (affirming district court’s application of limitations period for analogous California law).

23⁴ *In re Cases Filed by DirecTV, Inc.*, 344 F. Supp. 2d 647, 658, 661–62 (D. Ariz. 2004).

⁵ *Prostar v. Massachi*, 239 F.3d 669, 677 (5th Cir. 2001).